

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. S1-4:202-CR-00418-JAR
vs.)	
)	
JAMES TIMOTHY NORMAN,)	
)	
Defendant.)	

ORDER

This matter is before the Court on Defendant's motion to compel the Government to produce Jencks materials by August 2, 2022. (Doc. 232). In support of the motion, Defendant suggests that any risk of improper contact with witnesses can be mitigated by counsel, and that the withholding of materials impedes Defendant's preparation and gives the Government a tactical advantage.

In response, the Government argues that it is already exceeding its disclosure obligations by agreeing to provide the materials ten days before trial, as the Jencks Act requires disclosure only after a witness has testified on direct examination at trial. 18 U.S.C. § 3500. The Government cites multiple instances where this Court has denied similar requests.

The Government is correct that the Jencks Act does not mandate the production of statements or reports of a witness until after the witness has testified at trial. *United States v. Green*, 151 F.3d 1111, 1115 (8th Cir. 1998). In this district, it is common practice for the Government to disclose Jencks materials the Friday before trial when there are no compelling reasons to wait. *United States v. Lester*, 4:19CR961 SRC/NCC, 2021 WL 1027487, at *6 (E.D. Mo. Feb. 26, 2021). The Government's accommodation here, to provide Jencks materials ten days before trial, is more than sufficient. Although Defendant argues that this time frame is

inadequate due to the number of potential witnesses in this case, the Court agrees with the Government's position that Defendant should already possess much of the information enabling him to investigate and prepare for trial, such that ten days should be sufficient to supplement those efforts. The Court finds no extraordinary circumstances warranting earlier disclosure here.

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to compel is **DENIED**.

(Doc. 232).

A handwritten signature in black ink, reading "John A. Ross", is positioned above a horizontal line.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 29th day of July 2022.